6801332/2022/VIG-I-PRR01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – PR and RD Department – Allegations of irregularities in execution of the work " BT to the Road from 1/0 off LO21 to Kothalanka sanctioned under PMGSY Scheme in E.G. District – Charges framed against Sri V. Selva Kumar, the then Executive Engineer, PR, Amalapuram(Retired) - Charges held proved in the Regular Enquiry – Representation - Imposition of a penalty of 5% cut in pension for a period of (5) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.967 **Dated: 23.12.2022.**

Read the following:

1. From the DG, GA (V&E) Department, VR No.50(171/V&E /E2/2008), Dt.29.04.2013.
2. G.O.Ms.No.130, PR&RD (Vig. I) Dept. dt: 04.09.2014.
3. G.O.Rt.No.847,PR&RD(Vig.I) Department, Dt.04.09.2014.
4. From the ENC, PR, Lr. No. Vig. II (2)/11046/2014, dt: 24.08.2016.
5. G.O.Rt.No.531,PR&RD (Vig.I) Department, dt.07.08.2017.
6. From R.Venkateswara Rao, former ENC, PR, & Enquiry Officer,Lr.No.QC2/VQC/5310708/EG/2017,Dt.02.05.2019.
7. Govt.Memo.No.12791/Vig./2013,PR&RD(Vg.I)Department, Dt.26.07.2019.
8. From Sri V. Selva Kumar, former Executive Engineer, PR (Now Retired), representation dt: 26.07.2019.
9. Govt. Memo No. 12791/Vig. I/2013, PR&RD (Vig. I) Department, Dated: 17.06.2020.
10. From Sri V. Selva Kumar, E.E,PR (Retired), Tirupati, representation dated: 13.09.2020.
11. Govt. Letter No. 12791/Vig./2013-11, PR&RD (Vg.I) Department, Dt:24.01.2022.
12. From the Secretary, APPSC, Letter No. 84/DC&C/2022, dated: 20.04.2022.

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ORDER :

Based on the report of Director General, Vigilance & Enforcement made in the reference 1st read above on the allegation of irregularities in execution of the work " BT to the Road from 1/0 off LO21 to Kothalanka sanctioned under PMGSY Scheme in E.G. District, Government, vide reference 2nd read above have accorded sanction under Rule 9 (2)(b) of A.P. Revised Pension Rules, 1981 to institute disciplinary proceedings against Sri V. Selva Kumar, the then Executive Engineer, PR, Amalapuram (Retired on 31.05.2014). Accordingly, Government have framed following article of charge under Rule 20 of A.P.C.S (CC&A) Rules, 1991 against Sri V. Selva Kumar, Executive Engineer, PR, (Retired), inter-alia among others, in respect of

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allegationsof irregularities in execution of the work " BT to the Road from 1/0 off LO21 to Kothalanka sanctioned under PMGSY Scheme in E.G. District, with a direction to the Charged Officer to submit his Written Statement of Defence :

Charge :

That Sri V.Selva Kumar, the then Executive Engineer, PR, Amalapuram, EG Dist., now EE (PR) Narsapur has misused his official position for his personal gain and committed allegations of irregularities in the execution of the work **"BT to the Road from 1/0 off L021 to Kothalanka**sanctioned under PMGSY as he has not invited sealed quotations for supply of material and bills were obtained from the local vendors after completion of works, but payments up to LS 7th & Part bills were made based on the billed amount which is against the procedure of departmental execution of work resulting loss to the Govt., exchequer in contravening the APCS Rules, 1964.

2. The Charged Officer has not submitted his written statement of defence though the charges were got served on him. After examination of the matter, Government appointed Sri R.Venkateswara Rao, the then Chief Engineer, MGNREGS, as Inquiry Authority under Rule 20(2) of A.P. Civil Services (CC&A) Rules, 1991 to inquire into the charges framed against the charged officer, among others, vide reference 5th read above. The Inquiring Authority submitted inquiry report and among others, has held that charge framed against the charged officer Sri V. Selva Kumar, Executive Engineer (Retired) is held proved, vide reference 6th read above.

3. In the reference 7th read above, Government among others, have communicated copy of the inquiry report to the charged officer Sri V.Selva Kumar, the then Executive Engineer, PR, Amalapuram (Retired) under Rule 20 (2) of APCS (CC&A) Rules, 1991, for his representation, if any on the findings of the Inquiry Officer.

4. In the reference 8th read above, Sri V. SelvaKumar, Executive Engineer, (Retired) has submitted representation and stated that Government accorded permission for departmental execution of the above work and accordingly the same was executed and completed. He was retired from service and requested to drop further action against him.

5. Government have examined the matter and observe that the Charged Officer failed to collect the quotations and not brought to the notice of higher authorities about the procedure lapses and financial powers and he failed to guide the Dy.EE / AEE properly and acted beyond his powers. He is responsible for following the procedure and thus failed to discharge his legitimate duties and not absolved from the

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charge. Hence his contention to drop further action is devoid of merits. Accordingly, Government have taken a provisional decision to impose a penalty of 5% cut in pension for a period of (5) years against the Charged Officer under Rule 9 of A.P Revised Pension Rules, 1980 since charges are held proved against him. The above provisional decision has been communicated to the charged officer with a request to submit his representation ifany thereon, vide reference 9th read above.

6. In the reference 10th read above, the charged officer has submitted his representation duly stating that there was no financial loss and he was retired from service. The Rule 9 (2)(b) of A.P. Revised Pension Rules, 1980 clearly states that departmental proceedings shall not be taken up more than 4 years of retirement from the event. He has requested to consider representation and drop further action against him.

7. Government have examined the contention of the charged officer to drop further action against him on eve of 4 years limitation as per Rule 9 (2)(b) of A.P. Revised Pension Rules,1980. The Finance (HR.III Pension) Department in their Circular Memo No. 993083/ FIN01-HRCLI/9/2019-HR-III,Dt:15.03.2020 have issued a clarification to the Rule 9 (2)(b) (ii) of A.P. Revised Pension Rules, 1980 that "the date of occurrence of the event is always the date on which the effect of the event is fell or found out in Rule 9 (2)(b) of A.P. Revised Pension Rules, 1980" as per the judgment of the Hon'ble High Court in WP NO. 38901 of 2017. In the instant case, the Vigilance Report is dated 29.03.2013 ie, came to light and the Government have instituted disciplinary proceedings against him vide references 2nd & 3rd read above on 04.09.2014 ie., within four year limitation. As such, the request of charged officer to drop further action against him is devoid of merits. Further the charged officer not absolved from the charge.

8. Keeping in view the reasons mentioned under Para No. 5 and 7 above, Government have taken decision to proceed the above proposed penalty. Accordingly addressed the A.P. Public Service Commission for their concurrence vide references 11th read above

9. In the reference 12th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

10. Accordingly, Government after careful examination of the matter, hereby impose a penalty of 5% cut in pension for a period of (5) years against Sri V. Selva Kumar, retired Executive Engineer, PR, Amalapuram, Dr. BR. Ambedkar Konaseema District under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

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11. The Engineer-in-Chef, Panchayat Raj, A.P, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri V. Selva Kumar, retired Executive Engineer, PR, Amalapuram,
Dr. BR. Ambedkar Konaseema District and
residing at H.No.3-30, 2nd Lane, Vaikuntapuram, M.R.Palli, Tirupati

through the Engineer in Chief, Panchayat Raj, A.P, Vijayawada.

The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a request to serve the order on the individual and furnish the served copy)

Copy to:

The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Accountant General, A.P, Vijayawada
The OSD to Hon'ble Dy. C.M for PR&RD.,
The PS to Prl. Secy. to Govt, PR&RD. Dept,
The PR&RD (Estt. I) Department.
SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER